

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD J. ALLISON,

Plaintiff,

v.

THE STATE OF NEVADA, et al.,

Defendants.

Case No. 2:22-cv-00329-GMN-EJY

ORDER

I. DISCUSSION

On February 22, 2022, Plaintiff, an inmate currently located at Clark County Detention Center, submitted what appears to be a proposed civil rights complaint under 42 U.S.C. § 1983. ECF 1-1. However, Plaintiff's submission does not comply with Local Special Rule 2-1. Plaintiff also did not submit an application to proceed *in forma pauperis* or pay the \$402 filing fee in this matter.

A. Plaintiff's Initiating Document.

The Court notes that Plaintiff's document at ECF No. 1-1 does not comply with Local Special Rule 2-1 ("LSR 2-1"). Under LSR 2-1, a civil rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by the court or must be legible and contain substantially all the information called for by the court's form. Plaintiff's complaint does neither.

To the extent Plaintiff seeks to certify a potential class of persons who were subjected to the same practices alleged in his Complaint, Plaintiff may not do so. Pro se plaintiffs may only represent themselves; they are prohibited from pursuing claims on behalf of others in a representative capacity. *Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664 (9th Cir. 2008) (collecting cases and noting that courts routinely prohibit pro se plaintiffs from representing others); *Russell v. United States*, 308 F.2d 78, 79 (9th Cir. 1962) ("A litigant appearing [pro se] has no authority to represent anyone other

than himself"). Thus, to the extent Plaintiff seeks relief on behalf of a class of similarly situated persons, he cannot do so. **Thus, any amendment to Plaintiff's Complaint must remove requests for relief on behalf of others.**

B. There is No Application to Proceed in Forma Pauperis.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed Application to Proceed in Forma Pauperis for Inmate, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
- (2) a Financial Certificate properly signed by both the inmate and a facility or jail official (i.e. page 4 of this Court's approved form), and
- (3) a copy of the inmate's facility or jail trust fund account statement for the previous six-month period. If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

II. ORDER

IT IS HEREBY ORDERED that the Clerk of the Court will send to Plaintiff the approved form for filing a § 1983 complaint, instructions for the same, and a copy of his original document at ECF No. 1-1.

IT IS FURTHER ORDERED that Plaintiff will have until on or before **May 9, 2022** to submit a complaint in compliance with LSR 2-1. Plaintiff is reminded that **any amendment to Plaintiff's Complaint must remove requests for relief on behalf of others.**

IT IS FURTHER ORDERED that the Clerk of the Court will also send Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

1 IT IS FURTHER ORDERED that on or before **May 9, 2022**, Plaintiff will either pay the
2 \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative fee)
3 or file with the Court:

4 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
5 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
6 3),

7 (2) a **Financial Certificate** properly signed by both the inmate and a facility or jail official
8 (i.e. page 4 of this Court's approved form), and

9 (3) a copy of the **inmate's facility or jail trust fund account statement for the previous**
10 **six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff
11 must still submit an inmate account statement for the dates he has been present at the facility.

12 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint in compliance with
13 LSR 2-1 and a complete application to proceed *in forma pauperis* with all three documents or pay
14 the \$402 filing fee for a civil action on or before **May 9, 2022**, the Court will recommend dismissal
15 of this action without prejudice for Plaintiff to refile the case with the Court, under a new case
16 number, when Plaintiff is able to file a complaint in compliance with LSR 2-1, has all three
17 documents needed to file a complete application to proceed *in forma pauperis* or pays the \$402 filing
18 fee.

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20 DATED this 9th day of March, 2022.

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23 ELAYNA J. YOUCHAH
24 UNITED STATES MAGISTRATE JUDGE
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